

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 12617 of 2005

Between:

- 1 Sri Udaya Kumar, S/o Narayan Reddy,
R/o H.No. 3-7-282, Vavilalapalli Locality, Karimnagar District.
- 2 Sri P. Ramana Reddy, S/o Raj Reddy,
Vavilalapalli Locality, Karimnagar District.

..... PETITIONERS

AND

- 1 The Special Officer/District Collector, Karimnagar, Karimnagar District.
- 2 The Municipal Commissioner, Karimnagar, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate, writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents in constructing community hall in Nehru Park, situated at Vavilalpally, Karimnagar as unconstitutional, illegal arbitrary, without authority of law and ultra virus the provisions of the Municipalities Act, 1955 and violative of petitioners fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India and to direct the respondents to remove the constructions already made and to restore and maintain the park in proper condition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR GANDRA MOHAN RAO

Counsel for Respondent No.1: GP FOR MUNICIPAL ADMN. & URBAN DEV.

Counsel for Respondent No.2:MR POLISETTY RADHA KRISHNA

The Court made the following :

ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

The grievance of the petitioners is that part of the park is being converted into "E" Seva Centre.

Sri Polisetti Radhakrishna, learned Standing Counsel appearing for the respondents, on instructions, submits that the total park area is 6,655 Sq. yards and earlier there was a proposal of having an "E" Seva Center within the park. But, that proposal has now been given up and it is decided that only a small area of 220 Sq. yards., shall be used at the corner of the park for creating facilities for children to play and for that purpose some construction has to be made where the equipment necessary for such facility would be kept.

In this view of the matter, learned counsel appearing for the petitioners submits that if only an area of 220 Sq. yards will be used for the purpose of creating facilities for the play of the children, the petitioners would have no objection.

Accordingly, we dispose of the writ petition directing the respondents not to use land more than 220 Sq. Yards out of the park land and this land shall be exclusively used for creating facilities for the children and the respondents shall also maintain the park.

The writ petition is accordingly disposed of. No costs.

BILAL NAZKI, ACJ

DATE: 6th July, 2005

G.CHANDRAIAH ,J

pnb

To

- 1 The Special Officer/District Collector, Karimnagar, Karimnagar District.
- 2 The Municipal Commissioner, Karimnagar, Karimnagar District.

3 Two C.Cs to the G.P. for Municipal Administration & Urban Development,
High Court Buildings, A.P., Hyderabad(OUT)

4 2 CD copies

5 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)